

Email 1:

Dear Father

...

Regarding the Society, I did quietly stop attending Mass there without telling anyone or revealing why. But I'm glad you asked because I would love to hear your reply to my concerns. What happened is I began studying the issue of supplied jurisdiction, which led to a further study on mission and finally to a study of extraordinary mission.

W: Where does Robert now attend Mass? And why is that a “good place” to attend Mass?

I found the Societies arguments for supplied jurisdiction to be very problematic for a number of reasons. Salza and I actually wrote something against these arguments (but directed it against the Sedes, not the Society), and a professor we know who teaches at the Angelicum had it reviewed by two Cardinals, who he said were experts in the field, and they agreed entirely with what we wrote. In short, prior to Francis granting faculties, the only time the suppletory principle would have applied is in danger of death, since: 1) the *error* in "common error" must be that the minister is commonly believed to have *ordinary* jurisdiction/faculties, which the Society admits its priests didn't have; and 2) because positive and probable doubt concerns whether the ordinary faculties that the priest has applies in certain circumstances; but the Society priests didn't have ordinary faculties.

W: Are these really the only principles at play? Doesn't it go deeper? That is,

(1) Does not God not want the Catholic faithful receiving only the Catholic faith and only the Catholic rites from Catholic bishops and priests?

(2) Is Catholicism excommunicated, schismatic, or suspended a divinis?

(3) Does Catholicism have “no canonical status in the Church”?

(4) Do Catholic priests and bishops preaching only the Catholic faith and offering only the Catholic rights “not legitimately exercise any ministry in the Church”?

Another problem is that the Society doesn't have faculties for the administration of the sacraments that don't require jurisdiction for validity, such as Mass or Baptism, or for acts of governance, such as preaching. Supplied jurisdiction doesn't grant faculties for these acts, although that is what the Society implies. Bishop Tissier even appeals to supplied jurisdiction to justify granting marriage annulments and lifting excommunications which are reserved to the Holy See. There is no way supplied jurisdiction applies to these acts.

Fr. Angles explains the problem in his two-part article on supplied jurisdiction:

"So, let us face the problem: if the priests of the Society of St. Pius X do not have jurisdiction, it appears that the confessions they hear and the marriages they bless are invalid. If they have no faculties, all the priestly work they perform every day is illegitimate and therefore evil. If this is so, it would be a sin to receive their services,

maybe even to ask for them. *If such is the case, the Society is deceiving the good traditional Catholic faithful!"*

Prior to Francis, the Society priests had no faculties. At present, they only have faculties to hear confession, and in some cases to witness marriages.

What the Society is really claiming is not supplied jurisdiction, but rather extraordinary mission. Extraordinary mission is a mission received directly from Christ. The problem here is that the Church has always taught that if someone claims to possess extraordinary mission, and was not publicly and canonically sent by the Church, they must support their claims with miracles. Pope Innocent II and Benedict XVI both taught this, as did all the Catholic apologists of the 16th century against the Protestants. In fact, Calvin was so tired of hearing about the need of miracles to justify his "ministry" that organized a phony raising of the dead to prove his claims. All was arranged for the "miracle," but when he went to raise the "dead" person to life, he discovered that the actor had *really* dead. God intervened.

St. Vincent Ferrer received an extraordinary mission directly from Christ and he had the miracles to back it up. During his canonization, they stopped counting at 800 miracles.

So, I ran up against two problems: 1) The arguments the Society used for supplied jurisdiction, as well as the other canonical arguments I looked into, were extremely unconvincing and problematic, to say the least. 2) The Church teaches that extraordinary mission must be backed up with miracles. If not, the one who makes a claim to it "is not to be believed." Christ could have easily granted an abundance of miracles to show that he had given the Society an extraordinary mission, yet he didn't. 3) As Fr. Angles himself admitted, if the sacraments and other acts of governance are performed without the requisite authority (faculties), they are "illegitimate and therefore evil," and "it would be a sin to ask for or receive them."

There are also doctrinal reasons, but jurisdiction/missions this is part of the reason I stopped attending Mass at the local Society church. If you have any replies, I would love to hear them.

Email 2:

Dear Father,

Replies below:

“Dear Robert. ... Let me say up front that I have always appreciated your intellectual honesty. By this, I mean that I believe you are a man sincerely seeking the truth. I have always appreciated that in our exchanges. I also appreciate your moral integrity in that you are sensitive to being honorable in debates. I think that it is important to separate polemics and politics from the pursuit of the truth, and I believe that you do that.

Thank you for the kind words. If we don't remain intellectually honest, in the end we only hurt ourselves.

Now, I think it is important that I reply to the questions you raised in the context of other things I have discovered over the past several years. The other things I'm referring to are: 1) three errors I have found that reappear every several centuries and lead countless Catholics out of the Church; 2) Some serious errors in the writings of Archbishop Lefebvre, some of which are serious in themselves, and others that have been extremely serious in their effects.

Please don't take anything I say as an attack on you (which is *definitely* is not), but I do want to be as upfront and honest as possible in this reply.

In studying the history Sedevacantism (which has existed almost continuously for the past seven centuries), I discovered that there are three errors that always seem to go together. They are:

- 1) That the Pope is not the Pope (Sedevacantism), or at least lacks papal authority (Sedepriavationism). The Fraticelli (circa 1300-1500) and the early Protestants were Sedevacantists, and the followers of Wycliff and Huss were Sedepriavationists.
- 2) That there are two Churches: the institutional Church based in Rome (i.e., the Roman Catholic Church), which is corrupt and/or defected from the faith, and the alleged true Church, which of course the heretics always claim to belonged to.
- 3) The third error that always goes along with the first two is that the Sacraments of the institutional Church are invalid or at least highly doubtful.

Needless to say, all three of these errors are alive and well today. Today, the "two Churches" are the Roman Catholic Church (the Church of Rome and the diocese throughout the world in union with it), which today is called the "Conciliar Church," and another church, which is usually called "Tradition." Virtually everyone in "Tradition" denies, or at least doubts, the validity of the Sacraments in the "Conciliar Church." And many in Tradition deny that the Pope is the Pope.

So, the same three errors that the devil has used for centuries to lead Catholics out of the Church are alive and well today.

Regarding the errors of Archbishop Lefebvre. I am only going to mention those that have had the greatest impact.

Rejection of Collegiality: The Archbishop's rejection of collegiality, as contained in Lumen Gentium chapter three and in the new code of canon law, is serious in itself, and it has been a serious error in its effects.

I have to admit, until recently, I had never looked into collegiality and didn't know exactly what it was or what was wrong with it. Earlier this year I finally decided to delve into it, and what I discovered was surprising to say the least: Collegiality, as found in Lumen Gentium (LG) III, and

the New Code of Canon Law, *is entirely traditional from start to finish*. There is nothing novel about it and nothing that any Catholic can object to. What “collegiality” is, in reality, is simply the *traditional* teaching on the Episcopate.

The alleged heresy of the two subjects of the supreme power has been taught for centuries, not only before and after Vatican I, but even during Vatican I (in numerous places).

The First Vatican Council’s schema for the Second Constitution of the Church explicitly teaches that within the Church there are two subjects of the supreme power - 1) the Pope, and 2) the Pope together with the college of bishops. Wernz-Vidal teach the same, as do countless other theologians and canonists both before and after Vatican I.

Cardinal Mazzella, who held the chair of theology at the Gregorian during the Pontificate of Leo XIII, said the testimony of scripture “and all of tradition” affirm that there are two subjects of the supreme power. Unfortunately, Archbishop Lefebvre rejected this traditional doctrine.

In fact, the *original* schema on the Church, which was prepared for Vatican II by the Preparatory Commission that Archbishop Lefebvre took part in, also teaches that “the college of bishops” together with the Pope, is the “subject of the supreme authority in the Church.” The Archbishop praised the original schemas as being entirely orthodox.

And the Pope and bishops are the subject of supreme authority even when the bishops are dispersed in their own diocese. This was explicitly taught during Vatican I by Bishops Zinelli, in his official capacity as the spokesman for the Deputation, during the *relatio* he delivered on chapter three of *Pastor Aeternus*. Archbishop Lefebvre rejected this teaching too.

I am amazed that no one seems to be aware of this traditional teaching on the Episcopate, including Bishop Schneider (and Vigano). Today, thanks to Archbishop Lefebvre and the priests he trained (both Society priests and those who have fallen into the Sedevacantist heresy), virtually everyone in the Traditional movement rejects a true doctrine that has been taught by an ecumenical council. Worse than that, this *traditional* teaching on the Episcopate is now considered to be a heresy by nearly everyone, and is publicly declared to be such by the Society. I don’t need to tell you how serious of an error this is.

NOTE: Before continuing with the email, I am providing the follow up email exchanges about the above point.

SSPX Priest: “Dear Robert ... Are you aware of the distinction between a ‘body’ and a ‘college’ and the argument that the body of bishops was not divinely constituted as a college having supreme authority? That there is a single head of the Church, the Pope, and that he can aggregate the body of bishops to his authority, but the body of bishops are not a subject of supreme authority as a divinely instituted college? See the attached article.”

Siscoe: Dear Father, below are several quotes from the article you sent by Dom Curzio Nitoglia, followed by the contrary teaching by pre-Vatican II sources:

Dom Curzio Nitoglia: “With regard to the ‘episcopal college,’ therefore, it is false to say, as *Lumen Gentium* says, that the ‘college’ of bishops succeeds to the college of the Apostles.”

Here is what the pre-Vatican II manuals taught:

Salaverri: “We are saying 1) that it is a matter of divine right that the College of Bishops formally succeeds the College of the Apostles;”

Van Noort: “Just as it was a question above of the apostolic college, so is it now a question of the college of bishops; for the present proposition does not assert that each single bishop is the successor of an individual apostle, but rather the apostolic college was succeeded by the college of bishops or the episcopate. This proposition is a dogma of faith. See the Council of Trent, Session 23, ch. 4 (DB 960)[5]

The teaching of *Lumen Gentium* is the traditional doctrine of the Church.

Curzio Nitoglia: “A college is different from a body. A college is a moral person which has power inasmuch as it is a moral person. That is, the subject of power is only the moral person, and not the singular physical persons which form the college.”

Comment: If Dom Curzio Nitoglia had consulted the pre-Vatican II manuals, he would have found the answer to his objections: the college of bishops consists of the bishops *collectively taken* (the moral body), not each bishop considered separately.

Tanqueray: “Thesis: By divine right the Apostles' successors are the Bishops collectively taken, as far as the powers to teach, to rule, and to sanctify the faithful are concerned.

“This thesis is historically certain; it is theologically *de fide* since it has been proposed to faith through the ordinary magisterium of the Church. ... We say Bishops collectively taken, because only the college of Bishops was made the heir of the Apostolic College.”

Van Noort: “Granted that fact, it should be obvious that an essential part of that Church’s structure is apostolicity of government. For on no one but the **apostolic college**, under the headship of Peter, did Christ confer the power of teaching, sanctifying, and ruling the faithful until the end of the world. This triple power, therefore, necessarily belongs, and can only belong, to *those who form one moral person* with the apostles: their legitimate successors. ... It has already been established

(see no. 34) that bishops succeeded to the position in the Church originally filled by the apostles. But as was pointed out, this succession does not mean that a particular bishop succeeded to the job of a particular apostle—say that the bishop of Bridgeport has taken over the job of St. Bartholomew. Rather, it means that the college of bishops, viewed collectively, succeeded the apostolic college, viewed collectively.”

Continuing with Dom Curzio Nitoglia:

Dom Curzio Nitoglia: “But **the episcopal body, or the episcopate dispersed** throughout the world, is not necessarily and always a college, namely a moral person which acts only in a collegial manner, inasmuch as it is a moral person.”

Comment: The bishops, collectively taken, always constitute a college, even when they are dispersed, just as the Apostles always constituted a college, even when they were dispersed. The bishops do not always *act* as a college, as Lumen Gentium explains, but *being* is not dependent upon *acting*.

Dom Curzio Nitoglia: “The *Nota* clearly states that [1] **the College always exists**, [2] is the subject of supreme and full power over the universal Church, but is not always in *actu pleno*.

“On the other hand the **Catholic doctrine** is that **the bishops habitually and *per se* are a body and only extraordinarily and *per accidens* do they become a college**. Only the pope can and is free to erect as a college the body of bishops (when, for instance, he convokes a council) without being *necessitated* to it by a divine institution, as the *conciliar ‘magisterium’* says.”

If that’s Catholic doctrine, why didn’t he cite any pre-Vatican II source who taught it? This is what you always find in articles against collegiality: confident statements about what the Church allegedly teaches, *backed up by nothing*.

Here are two quotes that confirm the teaching of Lumen Gentium. The first is from Van Noort:

Van Noort: “Catholic teaching holds that Christ Himself established a sacred authority in His Church, and that this authority, invested first in the apostolic college, was uninterruptedly perpetuated, and in fact perdures today in the college of bishops. (...)

“the Catholic episcopate, when united to the pope, is endowed with infallibility in teaching matters on faith and morals. Although these arguments speak formally of an ‘ecumenical council,’ they are equally applicable to the college of bishops dispersed

throughout the world.” (Van Noort, Christ's Church, Westminster, MD: The Newman Press, 1959, p. 32; 33; 331.)

The next quote is taken from the official relatio that Bishop Zinelli delivered on Chapter III of Pastor Aeternus, during Vatican I:

“We willingly agree that **supreme and total ecclesiastical sovereignty** over all the faithful (*supremam inesse et plenam ecclesiasticam potestatem in fideles*) resides also in ourselves as gathered in an ecumenical Council, in ourselves, the bishops, united to their head. Yes, this perfectly fits the Church united to the head. Bishops gathered with their head in an ecumenical council, in which case they *represent* the whole Church, or dispersed, yet in union with their leader, in which case they *are* the Church herself, truly have supreme authority.” (Mansi, 52.1109).

The bishops united to their head constitute a college even when dispersed (Van Noort), and they possess supreme authority, even when dispersed (Bishop Zinelli)

The Pope is the head of the Church, since he alone holds the primacy, and only the Pope has supreme authority as properly his own, singly, by virtue of his office. But the entire college of bishops, collectively taken, united to the Pope, is also a subject of supreme authority. This is the traditional teaching.

SSPX Priest: Dear Robert, Thank you for sharing those quotes with me. I guess I should have been suspicious when Dom Nitoglia said that even Ludwig Ott and Amerio Romano “fell into” the supposed error that he was claiming to point out.

I went back to the discussions that the SSPX had with the CDF back in 2010 to see what our objections were on the question of collegiality. It seems that the objection was that LG 22 strongly suggests that there is a numerical distinction between two subjects of power and that this goes against DH 3054-55, since it makes the Pope a “first among equals” with a primacy of honor and does not give him a proper primacy.

You mention that “The Pope is the head of the Church, since he alone holds the primacy, and only the Pope has supreme authority as properly his own, singly, by virtue of his office. But the entire college of bishops, collectively taken, united to the Pope, is also a subject of supreme authority.”

Are there traditional texts that identify the college of bishops as a numerically distinct subject of supreme power?

I think we would both agree that if LG made the Pope a first among equals, then it would go against Vatican I. So our dispute would really be on whether it does that. That is what the SSPX discussed with the CDF.

God bless,

Siscoe: Dear Father, Replies below:

“You mention that ‘The Pope is the head of the Church, since he alone holds the primacy, and only the Pope has supreme authority as properly his own, singly, by virtue of his office. But the entire college of bishops, collectively taken, united to the Pope, is also a subject of supreme authority.’

“I think we would both agree that if LG made the Pope a first among equals, then it would go against Vatican I. So our dispute would really be on whether it does that. That is what the SSPX discussed with the CDF.”

Yes, that would be a problem, but it's not what Lumen Gentium teaches. One of the errors I noticed in the articles I read against collegiality is equating the supreme universal jurisdiction with the Primacy. They are both part of the Papal office, but they are distinct. Since they are distinct, the bishops can participate in one, but not in the other. This is proven from the fact that all of the Apostles possessed supreme universal jurisdiction, not merely collectively, but as properly their own, *singly*, yet they nevertheless remained subject to Peter because he alone held the Primacy. This point is mentioned by Salaverri and others.

Lumen Gentium teaches that the Pope has the primacy over all. It also confirms that he has supreme authority *by virtue of his office*:

“The pope's power of primacy over all, both pastors and faithful, remains whole and intact. In virtue of his office, that is as Vicar of Christ and pastor of the whole Church, the Roman Pontiff has full, supreme and universal power over the Church. And he is always free to exercise this power.” (Lumen Gentium).

“Are there traditional texts that identify the college of bishops as a numerically distinct subject of supreme power?”

Yes, but keep in mind that the second subject is the college of bishops *together with* the Pope – the body with the head - not the college of bishops without the Pope. So, it's not that the Pope is one subject, and college of bishops in the second subject. In fact, when there is no Pope (during an interregnum), the bishops do not participate in the supreme authority. If the bishops gather in a council without the Pope, or gather when there is no Pope, the council will only possess the sum total of the particular powers that the bishops enjoy by virtue of their office, but the sum total of the particular powers will never equal the supreme universal jurisdiction that the bishops participate in when there is a Pope.

Here are some quotes that confirm the two subjects of supreme authority:

Fr. Wernz (1905): "...bishops together with the Roman Pontiff constitute *another subject (alterum subiectum)* of supreme authority in the Church, only inadequately distinct from the Roman Pontiff." (Fr. Wernz, *Ius Canonicum*, 1905, No. 180, p. 259-60)

Wernz-Vidal (1938): : "But Hinschius confuses the true and the false, and most importantly does not consider that an Ecumenical Council and the Roman Pontiff, even after the definition of the Vatican Council, are two subjects (duplex subiectum) of supreme ecclesiastical power, not adequately but only inadequately distinct. Since this distinction is indeed only inadequate, it cannot possibly be said that there is only one supreme power both in the ecumenical council and outside it." (*Ius Canonicum Vol I.*, 1905, p 160-161).

In one of his articles, Fr. Gleize said it is *impossible* to reconcile Lumen Gentium's teaching on the two subjects of supreme authority with the teaching of Pastor Aeternus, yet Vatican I's schema for the Second Constitution of the Church, which was drafted by the renowned theologian, Joseph Kleutgen, and the Council had approve Pastor Aeternus, teaches that,

"the total plenitude of supreme power" resides "in a double subject: in the body of bishops united to the pope, and in the pope alone." (Tametsi Deus, Mansi 53:308–317).

In his book on the Episcopate (1883), Cardinal Manning says "No author has drawn out with greater fulness and precision the nature of the Episcopate than Bolgeni in his refutation of the Febronianism and Regalism which infested Italy in the last century." He then quotes the following from Bolgeni's book, which confirms that there are two subjects of "full, universal and sovereign power." It also confirms that the bishops without the Pope are not a subject of the supreme power:

"Returning to the superiority of S. Peter, we have said and proved that in him the episcopal power was lodged by Jesus Christ in all its fulness and sovereignty in distinction from the other Apostles, in whom it was indeed lodged in all its fulness, but with subordination and dependence on S. Peter. This is true if each Apostle be considered alone and by himself; but if the Apostles are considered as a college or body having S. Peter as head, then this body, united with its head, possesses the Episcopate not only in its fulness, but also in its sovereignty." ...

But every reader already well understands that the Bishops, in howsoever great a number they may be assembled, can never form the body, or represent the *Episcopal College*, if they have not at their head S. Peter in his successor. The episcopal body is not headless (*acefalo*); but, by the institution of Jesus Christ Himself, has a head in the

person of the Roman Pontiff. A body without a head is not that (body) to which Jesus Christ gave the Episcopate full and sovereign. He conferred it on the College of the Apostles, including S. Peter, who was made superior to all the Apostles [because he alone holds the Primacy]. The Episcopate, which is one and indivisible, is such precisely by reason of the connection of the Bishops among themselves, and of their submission to one sole Bishop, who is universal and sovereign. Therefore, full, universal, and sovereign power of governing the Church is the Episcopate, full and sovereign, which exists in the person of S. Peter and of each of his successors, and in the whole Apostolic College united to S. Peter, and in the whole body of the Bishops united to the Pope’.” (Manning, The Pastoral Office, 1883, pp. 96-97)

One subject is the Pope; the other subject is the body of bishops united to the Pope. The Society mistakenly believes that this is a “new ecclesiology” of Vatican II:

“Chapter 3 of the constitution Lumen Gentium presents a new definition of the hierarchical constitution of the Church, better known by the name of “collegiality”. ... According to this new ecclesiology ... in the Church there is a numerical distinction between two subjects of the same supreme authority, and this distinction is found between: 1) the pope alone, considered apart from the college and without it and; 2) the college, still including its head...”. (SSPX Article from the General House, <https://fsspx.org/en/coll%C3%A9gialit%C3%A9>)

Cardinal Mazzella, who held the chair of theology at the Gregorian during the Pontificate of Leo III, says all of tradition confirms that there is a double subject of supreme power:

“If we compare the testimonies of Scripture and all of tradition, we find, as it were, an *inadequately distinct double subject of supreme power*; that is to say, Peter alone - 'whatever *thou* [singular] shall bind' etc. (Mt. 16:19) and the body of Apostles with Peter - 'whatever *you* [plural] shall bind' etc. (Mt. 18:18).” (Mazzella De Religione et Ecclesia: praelectiones scholastico-dogmaticae, No. 985, 1905, pp. 767-768).

In the Church of the Word Incarnate (1955), Cardinal Journet provides a thorough explanation of the particular jurisdiction that bishops enjoy by virtue of their office (e.g., as head of a diocese), the universal jurisdiction that the Pope enjoys by virtue of his office, and the collegiate power (universal jurisdiction) that the college of bishops participates in:

Cardinal Journet: “But besides this particular jurisdiction which they possess as *properly* theirs, the bishops taken as a college, in virtue of their close union with the

Sovereign Pontiff, participate in the universal jurisdiction proper to the Pontiff. ... so we must distinguish in the bishops the power of particular jurisdiction which finds in each of them its *proper* subject, from the power of universal jurisdiction which finds in each of them a *supplementary subject*. I have said that the particular jurisdiction of the bishops is distinct [in species] from the universal jurisdiction of the Pope; it is super added to it, not so as to make up more power, ‘majus in potestate’, but many powers, ‘plures potestates’. On the other hand, the collegiate jurisdiction of the bishops is not numerically added to the universal jurisdiction, *but is one with it*.

“In other words, the power to rule the *universal* Church resides first of all in the Sovereign Pontiff, then in the episcopal college united with the Pontiff; and it can be exercised either singly by the Sovereign Pontiff, or jointly by the Pontiff and the episcopal college: the power of the Sovereign Pontiff *singly* and that of the Sovereign Pontiff united with the episcopal college constituting not two [supreme] powers adequately distinct, but one sole supreme power – considered on the one hand in the head of the Church teaching, in whom it resides in its wholeness and *as in its source*, and on the other hand as at once in the head and in the body of the Church teaching, to which it is communicated and in which it finds its plenary and integral subject.” (Church of the Word Incarnate).

Notice that there are now two supreme *powers*, but one supreme power in two *subjects*. Journet goes on to say that the bishops possess this universal jurisdiction even when dispersed.

Here are the salient points:

- 1) There are not two supreme *powers*, but two *subjects* of the one supreme power. The Archbishop confused this in some of his writings.
- 2) The collegiate power is identical – one and the same – with the supreme universal jurisdiction that the Pope enjoys by virtue of his office. This point was confirmed by Bishop Zinelli during Vatican I.
- 3) The bishops only possess the supreme power *collectively* when they are united with the Pope. If there is no Pope (during an interregnum), there is no supreme power; and if the bishops were to gather in a council without at least the tacit consent of the Pope, they would not be able to exercise the supreme power. In fact, that is what makes an “imperfect council” *imperfect*. The perfection that it lacks is the supreme universal jurisdiction.
- 4) The bishops participate in the supreme universal authority that is *proper* to the Pope, but they do not participate in the Primacy.

T: Siscoe quotes Cardinal Journet's *Church of the Word Incarnate* (1955): "not two [supreme] powers adequately distinct, but one sole *supreme power*". Siscoe explains: "Notice that there are now [*sic*] two supreme *powers*, but one supreme power in two *subjects*." How's that not bicephalism? "One supreme power in two *subjects*" seems like saying "one omnipotence in two beings"; there can only be one omnipotent being.

The Avrillé Dominicans make good points in their *Little catechism of the Second Vatican Council (Part Four) - The Four Constitutions: Lumen Gentium on the Church:*

- "While the Church was until then a monarchy with the single supreme power, that of the pope, *LG* suddenly affirms a double supreme power, a two-headed Church. Next to the pope, the college of bishops (including the pope) also has supreme power."
- *LG* + its *nota explicativa prævia* "prevents the college alone from exercising supreme power in the Church, which is a condemned heresy, but it does not suppress 'bicephalism'."

LG Modernistically leaves the door wide open for a bicephalism interpretation. Collegiality = bicephalism; it's not the traditional teaching on episcopacy, as Siscoe claims.

Something I forgot to mention in my previous email, is that an historical example that the Society uses to defend the 88' consecrations actually proves that bishops in union with the Pope participate in universal jurisdiction even when they are dispersed.

The historical example is the example is that of Eusebius, who consecrated bishops and "installing pastors" in diocese other than his own, during the Arian crisis. The quotation the Society cites is taken from Dom Gréa's book, *Della Chiesa E Della Sua Divine Costituzione* (1905), which is a fantastic book on the Episcopate (collegiality).

Unfortunately, the Society has taken the quote completely out of context by claiming that Eusebius acted by virtue of supplied jurisdiction. In reality, Grea says he acted by virtue of *universal* jurisdiction – the collegiate power – with the tacit consent of the Pope. What this shows is that bishops not only participate in universal jurisdiction when dispersed, but in extreme circumstances, they can even exercise it singly, provided they have at least the tacit consent of the Pope. Here is a link to Grea's book.

<https://archive.org/details/delgliseetdesa00gr/page/n239/mode/2up?q=Samosate> See pages 218 and 126:

T: What point was Siscoe trying to make?

Gréa "Cases of necessity" (Eng. transl.):

In the very midst of Christian peoples, we have sometimes seen, in times of urgent need, bishops, always dependent in this as in all things on the Supreme Pontiff and acting in the virtue of his communion, that is to say, receiving from him all their power, use this power for the salvation of the people. [...] Thus, in the fourth century, St. Eusebius of Samosata was seen going through the Eastern Churches devastated by the Arians and ordaining orthodox pastors for them, without having any special jurisdiction over them.

Gréa is clear: St. Eusebius wasn't granting the bishops he consecrated jurisdiction, and he received all his power from the Supreme Pontiff.

SSPX Priest: “Dear Robert, Thank you for these quotations and clarifications. The scholarship is impressive! I am assuming you would not mind if I passed this on to Fr. ... [a Society priest who took part in the doctrinal discussions with Rome] to get his thoughts?”

Siscoe: Yes, please do. If he has any objections, I would like the opportunity to respond to them.

Note: This ends the follow up email exchange on collegiality. The original email continues below.

Sacramental Intention: The next error concerns “the intention to do what the Church does.” The Archbishop believed this required that the minister intend the sacramental *effect*. If a priest didn't believe in transubstantiation, for example, he thought the Masses he celebrated would be invalid.

In Open Letter to Confused Catholics he said this regarding priests who reject transubstantiation in favor of transignification or transfinalisation: “When a priest talks like this, he makes no valid consecration. There is no Mass or Communion. For Christians are obliged to believe what the Council of Trent has defined about the Eucharist until the end of time.” (p. 48).

He applied the same error to the other sacraments. Here is a Q & A with the Archbishop, followed by an interpolation by Fr. Laisney:

Q. About the sacraments, when do we know if they are invalid or valid in the New Mass? It is very confusing. Will there be a point when they are not valid anymore? What about baptism, marriage?

Archbishop: The answer to that is found in the principles of theology. For the validity of a sacrament you must have three things: proper matter, proper form and proper intention, the intention of the priest. Those are the three conditions which determine the validity of the sacrament. I cannot say, myself, that for all sacraments in the Conciliar Church, these three conditions are never met. I don't think we can say that. But I think with new priests, with priests who no longer have Catholic intentions, they don't know what the proper intention is, the intention of the Church, so that perhaps the validity of their sacraments is at least doubtful.

Interpolation by Fr. Laisney: There are three things required for a valid sacrament: valid matter, proper form and the proper intention in the minister and it is not true to say that it never happens that the sacraments are invalid in the *Novus Ordo*. There are *some* valid baptisms, *some* valid Masses, but, especially with new priests who are not trained properly, who do not know what should be the intention of the Church ... If the minister in baptism, for instance, says: "Oh, it's just a rite of initiation"—if they reject the intention to remove Original Sin, then the intention is not proper."

As you know, the intention to do what the Church does isn't corrupted by a theological error, or even heresy, on the part of the minister concerning the sacramental effect. This was clarified by the Holy Office, in the late 19th century, in reply to two dubias. In one case, just before performing a baptism, a Protestant minister announced that the baptism would not wash away original sin. In spite of that, the Holy Office said his stated intention *not* to wash away original sin did not exclude the intention to do what the Church does:

“Question: 1. Whether baptism administered by those heretics is doubtful on account of defect of intention to do what Christ willed, if an express declaration was made by the minister before he baptized that baptism had no effect on the soul?

“Question 2. Whether baptism so conferred is doubtful if the aforesaid declaration was not expressly made immediately before the conferring of baptism, but had often been asserted by the minister, and the same doctrine was openly preached in that sect?”

“Reply to the first question: In the negative; *because despite the error about the effects of baptism, the intention of doing what the Church is not excluded.*

“Reply to the second question: Provided for in the answer to the first.” (See here for the source:

In reply to another dubia, the Holy Office said the same reasoning applies to the other sacraments as well. (Here is a link to the Holy Office replies and other quotes: <http://www.trueorfalsepope.com/p/inte.html>.)

The Archbishop also misrepresents the reason Leo XIII declared Anglican orders invalid. This is what he wrote in Open Letter to Confused Catholics:

“One remembers that Pope Leo XIII’s decision that Anglican ordinations are invalid through a defect of the intention. Now it was because they had lost the faith, which is not only faith in God, but in all the truths contained in the Creed, including, ‘I believe in *one* holy Catholic and apostolic Church,’ that the Anglicans have not been able to do what the Church wills.” (p. 48).

That’s not why Leo XIII declared Anglican ordinations invalid. The reason he declared them invalid because the form they used, “receive the Holy Ghost,” did not signify the sacramental effect. And since the form is what expresses the intention, the defect of form also resulted in a defect of intention. The orders were declared invalid for both those reasons.

The Archbishop applied the same error concerning the sacramental intention to the other sacraments, but with ordination he took it even further by maintaining that the intention would be defective if the ordaining bishops personally had a wrong understanding of the priesthood or bishopric. Quotes from the Archbishop to this effect are all over the internet.

Now, the doubts that the Archbishop had concerning the validity of the sacraments (due to his error about the sacramental intention), resulted in the young seminarians and priests he formed searching for new reasons to doubt – especially reasons to doubt the validity of the new rite of ordination. This resulted in with Fr. Jenkins article (1981), which argued that the removal of “ut” from the new rite of ordination entirely changed the meaning and therefore rendered it at least doubtful; and if it is doubtful, Fr. Jenkins went on to say, it must be treated as invalid (“a doubtful sacrament is no sacrament”). As an aside, I have located four ancient Sacramentaries¹ that omit the word “ut,” which proves that it has no effect whatsoever on validity.

The end result of Archbishop Lefebvre’s initial error concerning the sacramental intention (followed by the additional errors from the priests he formed and in whom he sowed the doubt), is that today almost every Traditional Catholic denies or at least doubts the validity of the sacraments in the “Conciliar Church”. How many Catholics have died without the sacraments due to this error of the Archbishop?

¹ Three of which are: Gregorian Sacramentary under Charles the Great, 9th century: <https://archive.org/details/gregoriansacrame00cath/page/n63> page 7. Codices sacramentorum libri 3. Sacramentorum Romanæ Ecclesiæ, Missale Gallicanum vetus (1680): https://archive.org/details/bub_gb_6rVhPJ6sHdkC/page/n51 page 31; Gerbert’s Monumenta veteris liturgiae alemannicæ (1779) <https://archive.org/details/monumentaveteri01gerbgoog/page/n54> page 41.

In a recent interview, Fr. Sherry continued to spread this error of the Archbishop. See: 1:35:50 <https://www.youtube.com/watch?v=S-zHfqCaS28>

If you are interested, here is a link to two replies from the Holy Office, as well as other authoritative quotes that explain what “the intention to do what the Church does” requires and what it doesn’t require. <http://www.trueorfalsepope.com/p/inte.html>

What makes matters worse is that the Society knows better. When it came out in 1976 that Cardinal Leinart was a Freemasonic infiltrator as well as a Luciferian who attended black Masses, the Society published an article explaining why this unfortunate fact does not raise doubts about Lefebvre’s ordination or consecration due to a defect of intention on the part of Leinart. In that article, which was written in 1978, the intention to do what the Church does was explained correctly.

The Four Marks: The Archbishop also mistakenly believed the Society has the four marks. In his interview with Fidelity one year after the Consecrations, he said: “It is we who have the notes of the visible Church: One, Holy, Catholic, and Apostolic. That is what makes the visible Church.”² Bishop Tissier continues to spread this same error. In the footnote below are excerpts

² <https://sspx.org/en/one-year-after-consecrations>

from two Confirmation sermons in which he taught it.³ He also says the Society bishops were consecrated *legitimately*.⁴

One of the reason the Society lacks the four marks is because the mark of apostolicity requires an episcopate consisting of bishops who enjoy ordinary jurisdiction (annexed to an office), which is received from the Pope. Since the four marks are interrelated in such a way that if one mark is missing, they are all missing, the Society actually has no marks of the Church.

W:

(1) Are the SSPX bishops formal successors of the Apostles? If not, what are they?

(2) Are the SSPX bishops part of the College of Bishops? If not, of what do they form a part?

(3) If the SSPX is part of the visible Church, do they not de facto participate in the Four Marks?

Religious Assent: For some reason, the Archbishop believed that “religious submission of intellect and will” being owed to non-infallible magisterial teachings was a novelty of Vatican II. Fr. Peter Scott sent out a newsletter a few years ago repeating this same error, and quoting Archbishop Lefebvre to prove it. Not only is the religious submission of intellect and will found in all the pre-Vatican II manuals (and in Franzelin’s 19th century book, *On Divine Tradition*), but the proposition that Catholics are only bound to accept what has been *infallibly* proposed is condemned in the Syllabus of Pius IX (#22).

³ **Bishop Tissier. Confirmation Sermon 2015:** (17:00 – 24:20): “Third point: We will apply what Archbishop Lefebvre himself – Archbishop Lefebvre our venerable founder, wrote in his *Spiritual Journey*, a book that I encourage you to read. ... I quote him: ‘It is a strict duty for every priest ... it is a strict duty for any priest who wills to remain Catholic to separate off from the Conciliar Church, as long as she does not recover the tradition of the Magisterium of the Church and of the Catholic Faith.’ These are the words of our founder. (...)”

“Fifth point, let us reject the false reasoning of some tired Catholics amongst our friends, false friends. Who say, I quote, ‘with time going on ... with the time going on, because we are separated from the visible Church, they say, we are little by little becoming a sect, they say, from which one never comes back to the Church.’ It is horrible; horrible reasoning. But it is worth repeating, understood. They say, our false friends, ‘with time going on, because we are separated from the visible Church, they say, we are little by little becoming a sect, from which one never comes back to the Church.’ I suppose you never thought of it. And I could not believe my ears when I heard such reasoning. First of all, ‘the visible Church,’ **we are the visible Church.** Who practice visibly the truth faith, who have the unity of the faith, who have the saintliness [sanctity] of the sacraments, and of all our lives; who are Catholics because our faith, and the Society, and the true Christians are spread all over the world; and are apostolic who have still the faith of the apostles. **We possess the four notes of the Catholic Church, unity, saintliness, catholicity, apostolicity.**” (Sermon: 17:00 – 18:15, 19:16 – 23:00)

<https://www.youtube.com/watch?v=uqRd7914Jb0>

⁴ We, bishops of the Society of Saint Pius X, have received the episcopate from the hands of Archbishop Lefebvre *in a legitimate way*, even if it was abnormal.”

Now if (as I believe to be the case) one of the obstacles to the Society reaching an agreement with Rome is that the Society refuses the 1989 Profession of Faith, due to the third category which requires religious submission to non-definitive magisterial teachings, that is a serious problem. It is one thing to refuse to give assent to a *particular* teaching because it conflicts, or at least appears to conflict, with a prior teaching, but it is another thing to refuse, in principle, the doctrine according to which non-infallible magisterial teachings (generally) require the submission of intellect and will. This traditional doctrine is something Catholics today must profess to be Catholic. The Society is faced with the choice between accepting this traditional teaching of the Church, or rejecting it in favor of Archbishop Lefebvre's error. So far, from what I have seen, it has chosen the latter.

W: Isn't the reason for SSPX refusal that the 1989 Profession requires religious submission to the false non-definitive magisterial teachings of religious liberty/ecumenism/collegiality, not that there exist non-definitive magisterial teachings to which Catholics owe conditional religious submission? See the Capuchins of Morgon (<https://laportelatine.org/actualite/la-tradition-face-au-serment-neo-moderniste-de-1989-par-les-capucins-de-morgon-juin-2015>).

Authority comes from the People:

The next error is the Protestant notion of ecclesiastical authority. According to this error (or possibly this *heresy*), the faithful choose a priest or bishops (who lacks legitimate authority) to provide them with the sacraments. The faithful's need to receive the sacraments confers on the priest/bishop authority to administer the sacraments and teach them the faith. If the faithful choose someone to provide them the sacraments (and thereby confer authority on him), they must then recognize his authority and generously submit to it (at least until they chose another priest to confer authority on). This notion of authority is seen in the following letter of the Archbishop.

Archbishop on the Consecration of a Bishop to replace Bishop de Castro Meyer:

"Precision seems to me very important in the solution of the problems of jurisdiction of the new bishop with respect to his priests and faithful.

"First of all, it must be noted that his situation is not exactly the same as that of Bishop de Castro Mayer. This latter is Bishop Emeritus of Campos, after having been its residential bishop. Hence, one could conclude that he kept, if not a juridical power, at least a moral power, which given the present circumstances, could justify a pastoral action with respect to his former priests and faithful.

"This is not the case with the new bishop, who has no other basis for jurisdiction than that which comes from the requests of the priests and the faithful to take care of their

souls and those of their children, and who have asked him to accept the episcopacy so as to give them true Catholic priests and the grace of the Sacrament of Confirmation. Thus it is clear that the jurisdiction of the new bishop is not territorial but personal, as becomes also the jurisdiction of the priests.

“Inasmuch as the faithful request from the priests and the bishop the sacraments and the doctrine of the Faith, the priests and the bishop have the duty to watch over the good reception and good use of doctrine and the grace of the Sacrifice of the Mass and the Sacraments. The faithful cannot request the Sacraments and at the same time refuse the vigilant authority of the priests and the bishop [What authority? Where did it come from?]. ...

Since the jurisdictional authority of the bishop does not come from a Roman nomination, but from the necessity of the salvation of souls, he will have to exercise it with a special delicacy and taking special account of his presbyteral council.

Moreover, the faithful and priests must acknowledge the grace of having a pastor, successor of the Apostles [a bishop that has not been sent by the Church is neither a pastor nor a successor of the Apostles], and guardian of Tradition [this is not a traditional teaching] of the deposit of the Faith, of the eucharistic Sacrifice, of the Catholic priesthood and of the grace of the Sacraments, and they must consequently facilitate the exercise of his authority by a generous obedience.

Since the jurisdiction of the bishop is not territorial but personal and has as its source the duty of the faithful to save their souls, if a group of faithful in the diocese calls upon the bishop to have a priest, this group gives by this very fact, authority to the bishop to watch over the transmission of the Faith and of grace in this group, by the intermediary of the priest that he sent.

Thus, so it seems to me, will be resolved in an order, which is in conformity to the spirit of the Church, the delicate problems which come from an episcopal consecration without the explicit mandate of Rome but with the implicit mandate of the Roman Church, Guardian of the Faith.”

<http://www.archbishoplefebvre.com/bishop-mayer-replacement.html>

What happens if the “group of faithful” have a doctrinal dispute with the priest or bishop, or simply decide that they don’t him? If they gave authority to the bishop by calling upon him, surely they can take it away by separating from him.

Authority in the Church comes from the top down, not from the bottom up. It comes from the Pope to the bishops, and from the bishops to the priests. The notion of jurisdictional authority described by the Archbishop is definitely not “in conformity to the spirit of the Church,” nor is it sanctioned by an “implicit mandate of the Roman Church.” On the contrary, it is essentially the Masonic notion authority that was advocated by Voltaire, and condemned by Leo XIII:

“Indeed, very many men of more recent times, walking in the footsteps of those who in a former age assumed to themselves the name of philosophers,(2) say that all power comes from the people; so that those who exercise it in the State do so not as their own, but as delegated to them by the people...” (Leo XIII, *Diuturnam illud*).

T: re: "Authority comes from the People": St. Athanasius, for example, was elected by the people; this was common practice in the early Church.

How could all these errors of Lefebvre (and many others that I could mention) be out there for so long with no one mentioning them *or correcting them*?

The result of these errors of the Archbishop is that most of the long-term Society people believe:

- 1) That there are Two Churches: a) the institutional Church (i.e., the Roman Catholic Church), which is a false Church that they can have nothing to do with; and b) and the true Church, which is called “Tradition”;
- 2) That the sacraments in the institutional Church are invalid, or at least doubtful;
- 3) That the Pope is not the Pope.

The three errors that have led millions of Catholics out of the Church and into heresy over the past 700 years are alive and well today, and if I am honest, I have to admit that they all came from the Archbishop.

The Society’s official position might not be Sedevacantism, but it leads there. The Archbishop Lefebvre’s is largely responsible for this error as well, since it was due to his doubt about the legitimacy of Paul VI, imprudently expressed to young seminaries in the 70’s, and later about that of John Paul II, again imprudently expressed to confused Catholics in the 80’s, that resulted in, and then fueled, the Sedevacantist heresy.

And history shows that those who fall into Sedevacantism immediately reject the entire hierarchy, and never return to the Church. The Fraticelli, for example, began by rejecting John XXII (1316) and the bishops in union with him, and never accepted any Pope after him. Hundreds of the Fraticelli heretics were burned at the stake over the next two centuries.

Another result of the Archbishop’s errors is that many in the Traditional movement have embraced an entirely false notion of the Church, which is virtually identical to that of the early Protestants, who defined the Church as the baptized, who profess the true faith, and partake of the true Sacraments. What is missing from the Protestant definition of the Church is unity of government, and the same is missing from the definition of the Church that many Traditional Catholics today adhere to.

Most simply take it for granted that any priest who says the traditional Mass can buy a building, open up a church, and ipso facto it is part of the *true* Church – i.e., “Tradition”. What is implicit

in this ecclesiology is that the true Church *subsists* in hundreds of parishes and sects, which are divided *at least* in government, and in many cases in faith as well. As long as the priest says the old Mass and rejects Vatican II, including the traditional teaching on the Episcopate (collegiality), he is considered orthodox until proven otherwise. I know because I used to have this mentality.

This erroneous ecclesiology, which lacks unity of government, was condemned in *Mortalium Animos*, *Satis Cognitum*, *Mystici Corporis Christi*, and by 2000 years of Catholic tradition.

Since there is no unity of government in “Tradition,” there is no such thing as *schism*, and communication in *sacris* with schismatics or heretical sects is generally viewed as acceptable.

A person can attend Mass at the CMRI (which was founded by a layman who was ordained a priest and consecrated bishop by a bishop of the Old Catholic church, before eventually becoming an antipope) on the first Sunday of the month, a Society chapel on the second, an independent chapel on the third, and Pope Michael’s mass on the fourth; although some might frown on it, no one will consider it *communicatio in sacris*. Why? Because in the Traditional movement there is no such thing as schism, and the most extreme heresies on the Right (e.g., the Church defected) are either considered orthodoxy or legitimate opinions. Everything is upside down. The errors in ecclesiology that used to be on the Left are now on the Right and no one seems to notice.

W: That is *communicatio in sacris*, but the SSPX priests and laity that I know personally are generally not that confused, and attend only the SSPX Masses on principle.

There is an unconscious alliance between those who err on the Left and those who err on the Right. During Vatican II, the conservatives feared that the Liberals would interpret *Lumen Gentium* III in a way that undermined the authority of the Pope. The *nota praevia* was added to prevent that. Who today interprets LG III in a way that undermines the authority of the Pope? The priests trained by Archbishop Lefebvre! Both the Society priests and the Sedevacantist priests that he trained do what the conservatives at Vatican II feared the Liberals would do.

The goal of the Left is to destroy the Church from within, and the goal of the Right seems to be to convince Catholics that they succeeded. Isn’t that the goal of the *Crisis in the Church* Series? To convince Catholics that the “Conciliar Church” has defected from the faith by teaching heresies, such as collegiality, so as to justify the Society’s position?

W: I distinguish: there is no defection, strictly speaking, if the teachings were not promulgated under the mode of infallibility (the conditions dogmatically defined by the Pope at Vatican I).

The Church is being attacked from within and from without, and no one today dares to defend her. She doesn’t even defend herself. It is an exact parallel to the silence of Christ during His Passion. And just as He was abandoned by all but a few on Good Friday, so too should we expect the Church to be abandoned by nearly all before she rises again in glory.

I expect the next phase of the crisis to be a mass defection from the Roman Catholic Church.

After taking a closer look at the problematic parts of Vatican II, I now see the Council as a test of faith that God permitted. It strikes me as perfectly consistent with how God test his people. There are statements or teachings in the documents of Vatican II that, at first glance, appear to be erroneous if not heretical, yet on closer examination, are found to be true. Sometimes you have to change the proposition from a positive to a negative to see it, but when you do, you realize that what appeared at first to be an error is, in reality, a truth that cannot be denied. It is a diabolical form of ambiguity that makes a true teaching appear at first glance to be false, and it is found, not only in the documents of Vatican II, but in other documents of the post-conciliar magisterium. The result is errors in both direction.

The Left uses the ambiguities to promote their agenda within, and some on the right have overreacted to them and ended up outside the Church. In hindsight, it would have been better to defend the Church by interpreting the problematic parts of Vatican II in accord with tradition, and condemn the *interpretations* that deviates from it. That's how Pius VI said ambiguity should be dealt in *Auctorem Fidei*. Trying to prove that Vatican II "is full of heresies" was a mistaken, and ended up leading many of those who took that approach into heresy themselves.

In researching collegiality, which ended up being the biggest surprise I've had in years, what became obvious is that the Society's contra collegiality articles misrepresent what LG III actually teaches, and end up attacking strawmen. Fr. Tranquillo did the same in his Crisis in the Church video.

LG III does not teach that bishops receive their jurisdiction from God at consecration, as Fr. Tranquillo claims. What it says is bishops receive "the *munera* of teaching and governing" the Church from their consecration. If Father had read the nota explicative he would have seen that the *munera* is an ontological participation in the *functions* of teaching and governing (which is received with the episcopal character), but it takes an additional "canonical determination" for the *function* to be a power that is ready to act. The *munera* is a potency to receive jurisdiction, not jurisdiction itself.

W: Fr. Tranquillo is right that it is problematic to say *sub Petro et cum Petro sed non ex Petro*.

T: LG 22 says: "the power of binding and loosing, which was given to Peter, was granted also to the college of apostles, joined with their head" → "the college of apostles" also has the power of the keys → individual bishops are mini-popes—acting alongside, not under, the Supreme Pontiff.

This is an improvement from the *original* "pre-Conciliar" schema on the Church (as the Archbishop called it), which *did* teach that the bishops as receiving "jurisdiction" from their consecration – not their *particular* jurisdiction (as the head of a diocese), but the *universal*

jurisdiction that they participate in *collectively* as members of the episcopal college. This is how the theologians before Vatican I said bishops received their universal jurisdiction (collegiate power), but they were using jurisdiction in a different sense than we understand it today, as Cardinal Manning explains in his book on the Episcopate. The nota explicativa provided a much-needed clarification of this aspect of the traditional teaching.

Interestingly, in his book on the Episcopate, Cardinal Manning predicted that a second Vatican Council might be convened to finish the work that Vatican I started on the Episcopate. He even made the specific prediction that it would teach that Bishops receive the office (munera), not only of sanctifying, but of governing the Church from their consecration. He was right, and Fr. Tranquillo spent an hour accusing Vatican II of heresy for teaching it.

Now to the points you raised.

- 1) Doesn't common error, at least error of fact, concern what people believe about a priest and not what a priest says about himself? In other words, even if a priest openly professes that he does not have jurisdiction, isn't it possible that some faithful (perhaps those who are not aware that he says this) think that he has jurisdiction? Isn't that the real question when it comes to common error of fact?

Yes, but if it is an admitted public fact that the priest doesn't have faculties, and especially if it is a public fact that the chapel in question is not in union with the local bishops, the chances common error existing is highly unlikely.

W: But couldn't circumstances prior to Pope Francis's delegation of faculties still lead a person of good will to believe that the SSPX priest could validly hear a confession?

Another point is that the suppletory principle is "chiefly and primarily for the common good" (not the private good) of the members of the local Catholic community, which is the community of Catholics in union with the local bishop. The *subject* of the common error are the Catholics in the vicinity, or as one canonist put it, members of the nearest Catholic parish. Is it commonly believed by Catholics in the area of Society chapels that it is part of the diocese? If not, there won't be common error that the priest has faculties to hear confession. It certainly wouldn't be worth taking a chance, especially since the Church forbids partaking in doubtful sacrament, just as it forbids priests without faculties from hearing confessions (canon 2366, 1917 Code).

But this doesn't apply any longer since Society priests do now have faculties for confession.

The impression in the Traditional movement is that because "the salvation of souls is the highest law of the Church," the Church will always supply jurisdiction for confession, since if it failed to do so it would be hindering the very purpose of the law. That is not the case.

The suppletory principle is for the *common* good, not the private good. It would not benefit the common good for the Church to supply jurisdiction to a priest, who is not part of the diocese and who knowingly attempts to usurp authority, simply because an individual might benefit. As Maiskeiwics explains, the Church has invalidating jurisdictional laws for a reason:

W: See series of questions (1)-(4) above: Does it not benefit the common good for the Church to supply jurisdiction for Catholic bishops and priests transmitting only the Catholic faith and rites to the Catholic faithful?

Yet, as Cappello himself observes and admits, it does not follow that the Church supplies in all those cases in which she can supply. The Church supplies exclusively in those cases in which she expressly, or at least tacitly, manifests her will to supply. And it is to be noted that in each and every case wherein the Church makes special provisions, as in the canons just mentioned above, she indicates that she wants it to be understood very clearly that she actually **does not** intend to supply in any and all cases. Thus, in virtue of canon 207, § 2, a priest absolves validly when he acts in inadvertence to the fact that the grant of his jurisdictional power has lapsed. But, this canon is careful to specify that the priest will act validly in only the two following cases: when he has inadvertently failed to notice: 1) that the period for which his jurisdiction was granted has expired; 2.) that the number of cases for which he was authorized has already been acquitted. Even a further restriction is placed by canon 207, § 2: its enabling concession applies exclusively to the internal forum.

... although it is readily admitted that, if she so willed, the Church could have carried on her mission without her system of invalidating jurisdictional laws and could even now abrogate their force, still it cannot be denied that the existence of such jurisdictional sanctions in the Code is open evidence of her will that such laws continue. No one can seriously and sanely challenge the wisdom of the Church in retaining these laws, for she has a venerable experience and the unceasing guidance of the Holy Ghost with her. It is precisely in the milieu of these factors - her experience, her prudence, and her sagacious solicitude as sublimated from on high by a divine guidance - that the Church has decided upon her present jurisdictional system as the best human manner of insuring an adequate order for her social discipline, especially in the matter of providing for the faithful a clergy duly equipped to minister to their spiritual needs in a fully accredited fashion.

If her legislation should at times cause some inconvenience or even spiritual loss to a private person, this must be regarded as a simple, inevitable concomitant of human legislation. It must be noted withal, that in her kindness the Church has remembered to make many special provisions against such inconveniences.

But she cannot be expected to make such provisions for every case. Even though she admittedly has the power to do so, she could not do so and still maintain the vigor and strength of the system which, after all, she has invoked *to safeguard a common good*. In

making her choice between mutually exclusive benefits the Church can do naught else but tolerate the occurrence of individual inconveniences if she has set her hand to the definite task of maintaining and promoting the common welfare. And to be promoted effectively, the common welfare must be allowed to exercise its rightful claims even at the expense of personal loss and individual detriment. *Otherwise the jurisdictional laws of the Church and their attached sanctions would in reality become meaningless, since any disregard of them could be connived at whenever there was at stake in any way at all a person's spiritual welfare in as far as it called for the utmost and fullest assurance of effective help. Therefore it is a mistake for authors to stretch the applicability of canon 209 so far as to frustrate almost every jurisdictional law in the Code.*"

- 2) How many of the normal faithful are going to be making a distinction in their heads between habitual possession of ordinary jurisdiction and supplied jurisdiction? Can we assume that all faithful are sufficiently educated in Canon Law as to know that their priests have supplied jurisdiction but not ordinary jurisdiction?

Not many. But what nearly all the faithful today will know is that 1) the Society is in an "irregular canonical" situation, and, thanks to the internet, most will also know 2) that Benedict said the Society "does not exercise any legitimate ministry" (or even have a canonical status as part of the Church). Since common *error* (not common *ignorance*), requires an erroneous *judgment* (at least implicit) that the priest has the requisite faculties, common knowledge of these facts alone would almost certainly exclude the possibility of common error.

Maskewics gives an example to shows how the Church herself determines common error. In the example he gives, the pastor of a diocesan Church died and the assistant priest assumed his duties, one of which was to witness marriages. The pastor had faculties to witness marriages, but the assistant priest did not. When it was learned that he performed a marriage without faculties, an investigation commenced.

In order to determine if it was valid, the Sacred Congregation for the Council examined the case to determine if there was common error. As Maiskeiwics explains, the "Congregation methodically proceeded to examine whether or not at the time of the marriage ceremony the parishioners considered that the priest was their proper pastor. To establish the fact of the existence of common error, "the Congregation carefully selected more than thirty parishioners from different groups and ranks to testify to the existence of such an error at the time of the marriage ceremony. And only when it was thus *proved* that the error was common in the parish ... did the Congregation decree the suppletory principle applied in this case."

This was a regular diocesan parish in which the average faithful would have had no reason to doubt that the priests lacked faculties. Yet the Congregation nevertheless went to all that trouble to ensure that the faithful believed that the priest at their diocesan parish, was the proper pastor of that parish,

What do you think the Sacred Congregation would have said if the marriage had been performed by a priest who was operating without faculties, in a chapel that was not part of the diocese? There's no doubt that they would have declared the marriage null due to a defect of form without any further investigation.

And unfortunately, that is what the diocese did before Francis granted faculties. Everyone married in the Society before Francis granted the faculties knows they have an "out" if things get difficult. I know a couple that did that. They had a minor dispute that could have easily been resolved, and the husband wanted to resolve it, but the wife rashly filed for an annulment and it was granted in a few weeks. The family broke up and things went from bad to worse. I'm sure they would be together today if the annulment wasn't granted. That alone is a reason the Society should never have performed a marriage without the approval of the local bishop.

- 3) Fr. Anglès, in the famous article on supplied jurisdiction that you mention, distinguishes between factual and legal common error, as mentioned by Canon Law. Error of fact depends on the subjective disposition of the congregants. But error of law does not. For error of law to exist, a priest need only *do something that would imply that he has ordinary jurisdiction*. And only error of law needs to be present for there to be supplied jurisdiction. Wouldn't, then, the simple performance of an act trigger the suppliance of jurisdiction?

That's what Fr. Angles *says*, but he doesn't prove it. If all that was required for the Church to supply jurisdiction is for a priest to perform an act that implies he has jurisdiction, why would the Sacred Congregation of the Council have bothered to interview the 30 parishioners to determine if they believed the priest was their legitimate pastor? If Fr. Angles were correct, all the Congregation would have done is confirm that the priest performed the ceremony.

- It appears extremely legalistic, and not according to the spirit of the law, to believe that the law does not accommodate situations when a priest is *unjustly refused jurisdiction, because of his orthodoxy*, namely, that there is no supplied jurisdiction ever for such a priest.

But the Society priests have not been unjustly refused jurisdiction. The reason the Society lacks faculties is because the Society has rejected multiple offers from Rome. And (unless I am mistaken) the reason it has rejected the offers is because of the doctrinal errors of Archbishop Lefebvre, such as his rejection of the traditional doctrine of the Episcopate (now called collegiality), as taught in LG and in the new Code of Canon Law, and his rejection of the doctrine of religious submission to non-infallible teachings, which prevents the Society from accepting the Catholic Profession of Faith.

W: Are ecumenism and religious liberty true, then? Does the SSPX have to agree that those who die as non-Catholics go to Heaven? Is it now Catholic teaching that "man has an objective, natural right not to be prevented from engaging in an activity that will lead his

soul to hell”? (“Salza responds to the errors of Fr. Harrison”, https://web.archive.org/web/20110304090647/https://www.scripturecatholic.com/feature-articles/Feature_-_Fr._Brian_Harrison_v._John_Salza_on_Religious_Liberty_2.pdf)

Is the New Mass now legitimate and good, and the SSPX has to come around to accept that? Does the Pope now have the power to replace the Church’s received and approved rites with new Protestantized and Protestantizing ones (“John Salza Responds to Fr. Harrison regarding the New Mass,” <https://web.archive.org/web/20140820125613/http://www.scripturecatholic.com/feature-articles/Catholic%20Tradition/Feature%20-%20Salza%20versus%20Fr.%20Harrison%20on%20the%20New%20Mass.pdf>)?

- It seems clear that when modern prelates ignore our appeals to supplied jurisdiction or automatically declare our pre-authorization marriages to be invalid, it is often out of a dislike for our cause than a careful consideration of our perspective.

If you read the examples the canonists give about supplied jurisdiction, what is striking is how *restrictive* the Church is in applying it – even when the priest in question belongs to a parish in union with the bishop. Here is a link to one example, beginning on page 219: <https://archive.org/details/CasuistV2/page/n225/mode/2up>

And keep in mind that the Society appeals to supplied jurisdiction to perform acts that are reserved to the Holy See, such as lifting reserved excommunications and issuing marriage annulments. To call that an abuse of the suppletory principle is an understatement.

I look forward to your reply.

God bless,

Robert Siscoe